

23.11.2023

Serial no. 08

(Anticipatory bail)

(Allowed)

(Dd)

*Calcutta High Court
In The Circuit Bench at Jalpaiguri,
Appellate Side*

CRM (A) 897 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **New Jalpaiguri** Police Station Case No. **681** of **2023** dated **11.04.2023** under Section **4** of the Protection of Children from Sexual Offences Act, 2012.*

-And-

In the matter of : **Amit Kumar**

... .. Petitioner

*Mr. Sourav Ganguly,
Mr. Inder Singh
Mr. Gopal Roy, Advocates
... .. For the Petitioner*

*Mr. Kallol Acharjee,
Mr. Arjun Chowdhury, Advocates
... ..For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that petitioner is a constable of Seema Surakhsya Bal (SSB). Petitioner and the de facto complainant were in a relationship. It is due to family pressure of the victim that the police complaint was lodged. He submits that the police filed charge sheet and, therefore, custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statements recorded by the victim under Section 164 of the Criminal Procedure Code and her medical examination report. He submits that, the higher officials of SSB

were informed about the incident by the police. However, SSB did not respond to such communication.

Notice of this application was served upon the victim. Since the victim was not appearing, we requested the learned advocate for the State to inform the victim through the Investigating Officer. Investigating Officer is present in Court. On instructions from Investigating Officer, learned advocate appearing for the State submits that, the Investigating Officer informed the victim about the pendency of this application for anticipatory bail both orally and by a written communication.

There is a letter written by the Investigating Officer to the victim informing the victim about the pendency of this application which was received by the victim.

None appears for the victim.

Police filed charge sheet.

Petitioner is a constable of SSB. Therefore, the possibility of absconsion is minimum.

We considered the statements recorded under Section 164 of the Criminal Procedure Code as also the medical examination report of the victim.

Apparently, the victim and the petitioner were in a relationship.

The nature and extent of such relationship and the claim of the victim is required to be decided at the trial.

In such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear on every date before

the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 897 of 2023 is **disposed of**.

Petitioner shall communicate this order to the commanding officer and obtain a receipt with regard thereto.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)